

MINUTES OF MARION CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
TUESDAY, MARCH 10, 2015
6:30 P.M.

A regular meeting was held by City Council on March 10, 2015 at 6:30 p.m. over which Mayor Bobby L. Davis presided. Council members Michael Baker, Ronald Atkinson, Ralph Atkinson, Odessa Gregg, Joseph Frazier and Emerson Hunt were present. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown, City Clerk Pam Jones and City Attorney Kenneth Davis.

Mayor Davis called the meeting to order and Councilwoman Gregg gave the opening prayer. Mr. Ammons led the Pledge of Allegiance. Mayor Davis welcomed citizens, guests and the press. (Hometown TV).

Councilman Michael Baker made a motion to approve the minutes of the regular meeting on February 10, 2015, seconded by Councilman Joseph Frazier; motion carried.

City Treasurer Patricia Brown was named *February Employee of the Month* and presented with a gift certificate. Mayor Davis thanked Mrs. Brown for her hard work and all that she does for the City.

Mayor Bobby L. Davis presented the Mayor's Monthly Beautification Award to Jordan Scrap Metal. Mr. Jimmy Jordan accepted the award and thanked the Mayor for recognizing them.

On behalf of the Mayor and City Council, City Clerk Pam Jones read a Resolution in tribute to Mr. James M. Jordan, Sr., and Mayor Davis presented the Resolution to the Jordan family. The family expressed their thanks to the Mayor and Council for their tribute and expressed how much former Councilman James Jordan loved the City of Marion.

City Clerk Pam Jones read a Proclamation from the City recognizing the Marion High School Wrestling Team for capturing the Region 8-2A Championship. Ta'Jon Jordan was recognized for winning the State Championship in the 152 lb. class. Also recognized were Harold Mearite – 2nd in the 195 lb. class, Dilan Gillard – 3rd in 113 lb. class and Troy Vick Timmons, Jr. – 4th in the 120 lb. class. Mayor Davis congratulated the team members and coach for their achievements and the positive recognition they bring to Marion. Those players each thanked

God for giving them the ability to excel and also for the awards they were presented. Coach Steinbar commented that with the exception of one senior on the team, these players would be returning next year. We hope to see them again next year accepting more awards. Marion High School Principal Dr. Nelson thanked the Mayor, City Council and the city for recognizing the accomplishments of these students.

A Resolution proclaiming March as Red Cross Month was read by City Clerk Pam Jones. On behalf of the City, Mayor Davis presented the Proclamation to Mr. Al Agnew recognizing the outstanding work the Red Cross provides for those in need. Mr. Agnew thanked the Mayor and also thanked everyone for any donations made to the Red Cross, emphasizing that all money donated to the Marion Red Cross stays in Marion to help our local residents.

Regarding the Proclamation to Oppose H3490, Mr. Ammons stated that this was put together by MASC in opposition to the State Legislature changing the business license law, which would drastically affect the City of Marion and MASC has recommended that all municipalities around the state sign the proclamation and send it to the State Legislature. Councilman Ralph Atkinson made a motion to adhere to the recommendation of the MASC and sign the Proclamation to Oppose H3490, seconded by Councilwoman Odessa Gregg; motion carried.

Councilman Michael Baker made a motion to change the date of the April Council meeting to Monday, April 13th, due to the City Council elections being held on Tuesday, April 14th. Councilman Joseph Frazier seconded the motion. Councilman Ralph Atkinson commented that in 24 years on Council, the meeting date has never been changed due to an election being held on the same day, and that he had a prior commitment for the 13th and would not be in attendance. The motion carried **5-2**, with Mayor Davis, Council members Baker, Frazier, Gregg and Hunt voting **yes**; Mayor Pro-tem Ronald Atkinson and Councilman Ralph Atkinson voted **no**.

Regarding the bids on the Opera House Roof (12.) and the Budget Transfer within the Hospitality Budget (13.), Mr. Ammons stated that during the ice storm in 2014 there was damage to the Opera House roof and minor repairs were made at that time. It began leaking and was patched, but is now leaking again. The insurance company was notified and we received \$6,000, which was all they allowed due to the age of the roof. Bids were sent out and the low bid was \$24,650 from Patrick Brady Construction and Mr. Ammons recommended the City use the \$6,000 from the insurance company and the remainder would come from the Hospitality contingency and also move \$5,000 from Promotions and Advertisements to the contingency to cover the amount.

Councilman Ralph Atkinson wanted to clarify that \$6,000 would come from insurance, \$5,000 from Promotions and Advertisements and the remainder of \$13,650 would come from the Hospitality contingency (not the fund balance in the regular budget), to which Mr. Ammons responded that was correct, it would come from the Hospitality contingency due to the fact it was a historical building and is eligible. Attorney Davis inquired if we are talking about moving a budgeted and appropriate item from one category to another to fund this? Mayor Davis responded that this was a transfer of funds within the hospitality budget. Attorney Davis suggested that there be an Ordinance to ratify this transfer. He further stated that there is an Ordinance that allows this, but there is a possibility that it could be deemed unconstitutional. Councilman Ralph Atkinson inquired if the Attorney was saying that there needs to be a public hearing and two readings on this suggested ordinance? Attorney Davis responded that the public hearing was not necessary. Councilman Atkinson commented that it was his understanding that money can be transferred within that (hospitality) budget as long as we didn't exceed the total budget. Attorney Davis stated that the Ordinance we have currently allows that, but to protect yourselves against any future challenge on the basis that the current Ordinance is unconstitutional by allowing transfers in the budget without two readings. You have an Ordinance you could follow and make the adoption tonight, but out of an abundance of caution, Attorney Davis recommends that an Ordinance be done to ratify that transfer. Mayor Davis commented that Section 1-5005 says we can do that on the approval of the Council and the Treasurer can move it at that time and asked the Attorney if he was saying we still needed to do another Ordinance, to which the Attorney replied that in order to protect the City from a challenge from a citizen, under the constitution, an Ordinance is the safest route. You can authorize the action tonight and subsequently adopt an Ordinance, which will ratify action taken tonight. After further discussion, Councilman Ralph Atkinson made a motion to make a budget transfer within the Hospitality budget for the Opera House roof repairs as presented by the Administrator and the Mayor, seconded by Councilman Michael Baker. Councilman Joseph Frazier made a motion to amend the motion on the floor to add the ratification in this budget as recommended by the Attorney, seconded by Councilman Michael Baker. Councilman Atkinson asked if the Attorney would have the Ordinance at the next meeting, to which the Attorney responded that he would. Motion carried.

Regarding Ordinance 15-01, Mr. Ammons stated that this Ordinance has been reviewed by the Attorney as to form. This is called underground/overhead conversion, where a fund is set up by Duke Power and they will take ½% of the amount of money that comes to us on our franchise fee, for up to, but no more than 5 years. If the City ever decides to do an overhead/underground conversion for street scape or any other reason, this money would be

available as a matching fund money. Mr. Ammons stated they (Duke Power) will not be taking money from our franchise fee, but rather using that fee as a benchmark. Councilman Ralph Atkinson made a motion to accept 1st Reading on ***ORDINANCE 15-01, AN ADDEDUM TO SOUTH CAROLINA MUNICIPAL ELECTRIC SERVICE AGREEMENT***, as presented, seconded by Mayor Pro-Tem Ronald Atkinson; motion carried.

Councilman Ralph Atkinson made a motion to approve the Lease Agreement, as presented, dated February 18, 2015, with Marion County School District as landlord and the City of Marion as tenant, seconded by Councilman Michael Baker. The lease has a 20 year term, with a one year notification by either party, to end the agreement. Mayor Pro-tem Ronald Atkinson asked if there was any possibility the school district would terminate the lease after the City spent a large amount of money (\$80,000 lighting) to upgrade the complex to which Mayor Davis responded that they signed a 20 year lease and we have a good relationship with the school district and do not anticipate that happening. Mr. Ammons was in agreement with the Mayor that we do have a good relationship with the school district, each of us using the others ball fields and in meeting with Dr. Strickland there was no indication there would be anything different than has been done in the past. Motion carried.

Mr. Jake Ramsey presented a Community Development Revitalization Plan and asked for a Resolution from the Mayor and Council in agreement to the Plan. The Resolution is a designation of a particular area in the City, for the revitalization of substandard housing and the development of new and affordable housing, all of which is in keeping the Comprehensive Plan of the City of Marion. Councilman Ralph Atkinson inquired if this needed to go before the Planning and Zoning Commission, to which Mr. Ammons responded that it did not, as it does meet the Comprehensive Plan. Councilman Ralph Atkinson made a motion to give approval to the Resolution targeting the Residential Revitalization in the City of Marion, seconded by Councilman Emerson Hunt; motion carried. Mayor Davis thanked Mr. Ramsey for his effort to help Marion.

Rev. Marvin Hemingway commented that an organization called Empowerment Outreach of South Carolina has been established and would like permission to hold fundraisers to purchase curtains for C. D. Joyner Auditorium and also some beautification work on the stage area. The curtains will be in the \$8,000 to \$10,000 range and they have three grant writers on board to help with the funding (in addition to the fundraisers). Rev. Hemingway is seeking Council's approval to hold several of the fundraisers at the C. D. Joyner Auditorium. Councilman Emerson Hunt made a motion to grant permission for the group to hold fundraisers at C. D.

Joyner in order to purchase curtains and upgrade the stage area, seconded by Councilman Michael Baker. Councilman Ralph Atkinson asked if the money raised would go thru the treasury of the City or will it go through their treasury? He thinks it's a wonderful idea and asked the City Attorney what the legal aspect would be regarding accounting and oversight. He further commented that if they are raising money on their own and are going to make a donation is one thing, but if they're going to be raising money for the City of Marion, that's another thing. Attorney Davis responded that the safest course is for them to raise money in their own name and then donate to the City. Councilman Emerson Hunt amended the motion that Rev. Hemingway's group would have permission to use C. D. Joyner to hold fund raisers and then make a donation to the City for curtains and stage upgrades at C. D. Joyner. The motion was seconded by Councilman Joseph Frazier; motion carried. Mayor Davis thanked Rev. Hemingway for having the foresight to help the City with those projects.

Rev. Joshua Nelson, pastor of Mt. Olive SDA Church presented three initiatives to the Mayor and Council and asked for their support; (1) the *Lunch Box* (program to provide lunch for young children) at Grice's and asked that the rental fee be waived, (2) *Back to School* Block Party at Grice's to celebrate children going back to school, (3) the "Loose the Chains" Initiative, which will teach and train individuals about health, financing, parenting and would like use of C. D. Joyner or the Opera House with fees reduced or waived. Rev. Nelson commented that their church would be celebrating their 100 year anniversary in September 2016 and former Pastor Barry Black, now a chaplain for the US Senate, will be returning for this event. He asked that Council please make a note of the event on their calendar for September 24, 2016. Mayor Davis stated that this would be in addition to the summer camp we already have in place. Councilman Emerson Hunt made a motion to allow Rev. Nelson and the Mt. Olive SDA Church to use Grice's Recreation Center, the Opera House and C. D. Joyner so that he can promote this wonderful *Lunch Box* initiative, the *Back to School* initiative and the "Loose the Chains" initiative. Councilman Hunt is thankful for Rev. Nelson being in this community and is a beacon for younger and older men to see a young warrior on the battlefield. Councilman Michael Baker seconded the motion. Councilman Ralph Atkinson asked for clarification on dates the facilities will be used. Rev. Nelson stated the *Lunch Box* program will be held the second Saturday at 3:00 p.m., and he hopes that with some financial backing they will be able to utilize this program more than once a month and if so, he will bring that back to Council for their approval on using Grice's more often. The *Back to School* Block Party will be held at Grice's on August 13th. C. D. Joyner or the Opera House (whichever is available) will be used at night, August 15 – 29 for the "Loose the Chains" program. Motion carried.

Marion County Economic Director Dr. Julie Norman, Economic Director for the 7th Congressional District, Mr. Rodney Berry and Mr. Chuck MacNeil, Executive Director of PDRTA, were present to address new jobs that were coming to the beach area. Mr. Berry commented that he had received a call from a company who owned 14 hotels stretching from the north to the south end of the beach, and are having trouble finding approximately 200 employees. Dr. Norman stated that the majority of the jobs were housekeeping, but there would also be front desk, and IT jobs along with others. Housekeeping jobs will pay \$8.50 - \$8.75 per hour and need to be filled by Easter. There will be a job fair on Sunday, March 22 at the Academy of Careers & Technology from 2- 5 p.m. They also need 10 individuals to work from home as “remote reservationists” and pay will be \$9.50 per hour plus a bonus for each reservation made. She asked that the City of Marion contribute \$2,500 to get an additional 2 buses on the road. The hotel group has offered financial help toward the buses. They understand the plight of this county and want to offer us this opportunity for our residents to be employed. Councilman Hunt inquired if the 200 jobs were being offered exclusively to Marion County to which Dr. Norman responded that Marion County residents were being given first chance at all of these jobs. In response to a question from Councilman Ralph Atkinson, Dr. Norman responded that she didn’t know the exact amount of money the Hotel group would put in toward the buses, but that it would be significant. Councilman Atkinson reiterated the fact that he thought these jobs were a good thing, but does not know where we would get the money from, as he has told Mr. MacNeil over his last 5 – 6 appearances before Council. After further discussion, Councilman Emerson Hunt made a motion to give \$2,500 from the fund balance to PDRTA to help our citizens have transportation for these jobs being offered; seconded by Councilman Michael Baker. After more discussion among Council regarding using City funds, Mr. Berry commented that if that entity doesn’t ante up, the City’s money will be returned. Councilman Frazier asked if the City could get that in writing. With no further comments, the motion carried. Mayor Davis thanked them for

Mayor Davis introduced new police officers Chad Page and Jonathan Warren and also the Interim Police Chief Dewayne Tennie, who was appointed when Chief Jim Gray retired in March. Two new recruits will go to the Academy in April, and upon graduating in July, the Police Department will be fully staffed.

ADMINISTRATOR’S REPORT

Regarding the Eutaw Street paving (from Godbold to Liberty, they have started clipping edges and removing dirt, and paving is scheduled to begin on March 18.

At last month's meeting, there were some concerns about the Animal Shelter and Mr. Ammons and Attorney Davis have reviewed the present Zoning Ordinance. We are recommending that it be changed from a permitted use in the Industrial District to a conditional use in the Industrial District, meaning it must be 300 ft. from ALL property lines and we still meet the law by not zoning them completely out. If it is the consensus of Council we will move forward with preparing the Ordinance.

Regarding the CTC Project for the Council on Aging, on which we are partnering with Senator Williams, we were awarded \$80,000. Senator Williams will let us know when to proceed, hopefully within the next 30 - 90 days. We will be doing the drive all the way around, pave the parking places and put in handicap ramps. The drainage issues are also in the specs. We will be digging out everything and starting over.

The signs should be ready anytime and Mr. Ammons will let Council know when they are installed. We will be able to use them while the brick work and landscape is being done.

Mayor Davis submitted a letter to Senator Williams for help on the \$80,000 lighting project at the Green Street Complex. He has not yet responded, but there is a good possibility he will help us on that.

CITY ATTORNEY'S LEGAL UPDATE

Attorney Davis had nothing to report at this time.

DEPARTMENTAL REPORTS

Mayor Davis stated that the departmental reports were sent out in the Council's packets. Mrs. Mary Eaddy, Chairperson of the Citizen's Advisory Committee, commented that things were fine and invited all citizens to attend a meeting. Recreation Director Ann Jackson invited everyone to the new gym for the State Basketball tournaments, 12-U Boys and 12-U Girls, being held March 13 & 14, in which Marion would be represented. Also Marion is sending 14-U and 17-U Boys to the State Championship being held in Bluffton, SC.

DISTRICT AND CITY UPDATES FRO COUNCIL AND MAYOR

Councilman Michael Baker had no comment at this time.

Councilman Joseph Frazier had no comment at this time.

Mayor Pro-tem Ronald Atkinson stated that there are 12 street lights out on Liberty Street between Thomas Supply and Burger King and someone needs to go all over town to see what lights are out.. He further stated we needed to get all the lights working and have someone assigned to keep up with what lights are out. Mr. Ammons responded that there is a plan in place and he will address it. Mayor Pro-tem Atkinson commented that he had gotten numerous

calls and inquired as to why we are using a \$75,000 backhoe to pick up grass clippings. We used to have 2 people on a truck and they threw stuff in the back of the truck, but now if the pile is bigger than a handbasket, we bring the backhoe. Not only is it wearing the equipment out, it is tearing up people's yards. Mr. Ammons responded that he would talk with Winky in the morning and go over that. Mayor Davis commented that would be taken care of and Mr. Ammons would look into it.

Councilman Ralph Atkinson had no comment at this time.

Councilwoman Odessa Gregg saw there were orange cones placed along a recently paved street (off Cartrell Brown Dr.) and asked if the road has already deteriorated or if something happened there. She noticed there were no driveways from the pavement to the grass and asked if that would cause the deterioration. Mr. Ammons responded that he met with the property owners and most didn't have a driveway. There was not enough money to do all the driveways at one time, just enough money to get the paving done. Two owners who own about 70% of those properties said they were happy the road was paved and would be willing to help with the driveways. Mayor Davis commented that hopefully we would get some more monies and do what we can do.

Councilman Emerson Hunt had no comment at this time.

Mr. Ammons stated that there was excess dirt on Eutaw Street and it was available for anyone to come and haul off.

EXECUTIVE SESSION

Councilman Ralph Atkinson made a motion to enter Executive Session to discuss an Agreement between the City and County regarding the Recreation Department and a Personnel Matter in the Police Department, seconded by Council Joseph Frazier; motion carried. Upon returning from Executive Session Mayor Davis stated that no action was taken. Councilman Ralph Atkinson made a motion to return to open session, seconded by Councilman Joseph Frazier; motion carried.

Regarding Recreation Department fees, Mr. Ammons stated that earlier in the month we had a request from Marion County concerning the fees we were charging for out of town kids to play in our organized sports program and asked that Council look into that. Councilman Michael Baker made a motion that we have a policy in place and we go by that policy and send them a summarized response on the analysis that was done by the Recreation Department, seconded by Mayor Pro-tem Ronald Atkinson; motion carried.

Mr. Ammons stated that we are looking at some expenditures mainly at the Recreation Department and the Police Department that need to be covered. The Treasurer has projected

out the budget and we anticipate that we will stay within the General Fund budget, but there is a possibility that we will exceed the General Fund budget. We would like to request that Council authorize the Treasurer to make many necessary adjustments between the departments, as needed, in the amount of \$69,000. As the Attorney said earlier, we can approve tonight, but we will have to ratify it in two readings. Councilman Joseph Frazier made a motion to go along with the recommendation of the City Administrator and follow up with the recommendation of the Attorney, seconded by Councilman Michael Baker. Councilman Ralph Atkinson asked for clarification that we are not talking any new increased budget over the amount that's already been approved, we're talking about shifting dollars between some departments that have underspent and some that may have overspent. Mr. Ammons responded that is what is anticipated and also that there is some savings where we budgeted in some departments and we won't need to use, so we will have a one time savings. There is a possibility that we could run over and we do it will have to come back before Council. Attorney Davis added a point of clarification regarding amending the budget, SC Code 57260, which is the statute that requires an ordinance and it specifically says that to amend the budget ordinance it has to be done as an ordinance. It's one thing if you're moving money around in one department, but it's different if you're moving money from one department to another, Councilman Atkinson asked if you had to have that ordinance done before you transfer the money, to which Attorney Davis responded that the City has an ordinance in place which authorizes transfers up to a certain point and the ordinance on the book is presumed valid until otherwise challenged. Councilman Atkinson stated that he just wanted to know if we need to do the ordinance first, to which Attorney Davis responded that if there is time then the ordinance should be done first, but if there is not enough time, you have an active ordinance you can stand on until such time that you get the new ordinance done. Councilman Baker commented that there is a motion on the floor and we don't have time so that will have to take place next month. Councilman Hunt wants to make sure we are on good grounds to do this tonight so that if someone challenges us we will be prepared. After some further comments, Mr. Ammons stated that if the Treasurer gets to the point that we are going over total expenditures in the budget, then we would have to come back. Attorney Davis commented that was correct, you can't approve increasing the budget now, but moving money around within a department (1-5005) is on the books and is valid until challenged and gives a basis for making a transfer. Attorney Davis's suggestion is to protect the City, that whatever is taken by the City is also memorialized in an ordinance that approves all actions taken. Councilman Ralph Atkinson made a motion to amend this motion to include the recommendations of the Attorney to prepare an ordinance to ratify this action tonight, seconded by Councilman Joseph Frazier; motion carried.

ADJOURNMENT

With no further business to discuss, Councilman Ralph Atkinson made a motion to adjourn, seconded by Mayor Bobby L. Davis; motion carried.

Mayor Bobby L. Davis

City Clerk Pam Jones

Taped March 10, 2015